

IT IS SO ORDERED.

Dated: 14 December, 2023 12:04 AM

  
Suzana Krstevski Koch  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re:	)	Case No. 17-17361
	)	
RICHARD M. OSBORNE,	)	Chapter 7
	)	
Debtor.	)	Judge Suzana Krstevski Koch

**ORDER GRANTING MOTION OF TRUSTEE TO SELL PERSONAL PROPERTY**  
**(MEMBERSHIP INTERESTS IN 8491 MAYFIELD ACQUISITIONS, LLC)**

This matter is before the Court on the motion (the “Motion”) of the trustee, Kari B. Coniglio, for an order authorizing the sale by private sale, free and clear of liens, encumbrances, and other interests, of personal property consisting of the Debtor’s membership interests in 8491 Mayfield Acquisitions, LLC (the “Membership Interests”). Time is of the essence in consummating the sale of the Membership Interests (the “Sale Transaction”). In order to maximize the value of the Membership Interests to the bankruptcy estate, it is essential that the Sale Transaction occur within the time constraints set forth in the Membership Interests Purchase Agreement, once such agreement is executed by the Trustee. Accordingly, there is cause to waive

the stay contemplated by Bankruptcy Rule 6004. Upon review of the Motion, and the related notices, the Court finds that the requested relief is well-taken.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Motion is GRANTED.
2. The Trustee is authorized to immediately execute the Membership Interests Purchase Agreement with the Buyer<sup>1</sup> and sell the Membership Interests to the Buyer free and clear of liens, encumbrances, and other interests.
3. If 8941 Mayfield Acquisitions, LLC (“8491”) or its members elect to purchase the Membership Interests as contemplated in the Purchase Agreement, the Trustee is authorized under 11 U.S.C. § 363 to immediately execute all necessary documents to transfer the Membership Interests to the electing party in exchange for \$15,000.00 or greater.
4. Notwithstanding Bankruptcy Rule 6004(h), this Order shall be effective and enforceable immediately upon entry and its provisions shall be self-executing. In the absence of any person or entity obtaining a stay pending appeal, the Buyer and the Trustee are free to close the Sale Transaction under the Purchase Agreement, once such agreement is executed by the Trustee, at any time pursuant to the terms thereof.
5. The Court retains exclusive jurisdiction with regard to all matters, claims, rights, issues or disputes arising from or related to the implementation of this Order and relief provided for herein.

---

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meaning as in the Motion.

# # #

Respectfully submitted,

/s/ Matthew D. Fazekas

Marcel C. Duhamel (0062171)

Elia O. Woyt (0074109)

Matthew D. Fazekas (0099693)

VORYS, SATER, SEYMOUR AND PEASE LLP

200 Public Square, Suite 1400

Cleveland, Ohio 44114

(216) 479-6100

(216) 479-6060 (facsimile)

mcduhamel@vorys.com

eowoyt@vorys.com

mdfazekas@vorys.com

*Counsel to the Trustee*

### **SERVICE LIST**

To be served via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Patrick R. Akers prakers@vorys.com
- Gregory P. Amend gamend@bdblawn.com, grichards@bdblawn.com
- Alison L. Archer alison.archer@ohioattorneygeneral.gov,  
Trish.Lazich@ohioattorneygeneral.gov;angelique.dennis-  
noland@ohioattorneygeneral.gov
- Richard M. Bain rbain@meyersroman.com,  
mnowak@meyersroman.com;jray@meyersroman.com
- Adam S. Baker abakerlaw@sbcglobal.net, adam@bakerlaw.us;abakerlaw@gmail.com
- Austin B. Barnes abarnes@sandhu-law.com, bk1notice@sandhu-law.com
- Robert D. Barr rbarr@koehler.law, syackly@koehler.law
- Jeffrey W. Bieszczak jwbieszczak@vorys.com
- David T. Brady DBrady@Sandhu-Law.com, bk1notice@sandhu-law.com
- Carrie M. Brosius cmbrosius@vorys.com, mdwalkuski@vorys.com
- Kari B. Coniglio kbconiglio@vorys.com,  
mdwalkuski@vorys.com;kbc@trustesolutions.net;jncash2@vorys.com
- LeAnn E. Covey bknotice@clunkhooze.com
- Richard W. DiBella rdibella@dgmblaw.com
- Melody A. Dugic mgazda@hendersoncovington.com
- Marcel C. Duhamel mcduhamel@vorys.com, mdwalkuski@vorys.com
- Douglas M. Eppler deppler@walterhav.com
- Bryan J. Farkas bjfarkas@vorys.com,  
bjfarkas@vorys.com;caujczo@vorys.com;mdwalkuski@vorys.com

- Matthew D. Fazekas   mdfazekas@vorys.com
- Scott D. Fink   ecfndoh@weltman.com
- Glenn E. Forbes   bankruptcy@geflaw.net,  
gforbes@geflaw.net;r45233@notify.bestcase.com
- Stephen R. Franks   amps@manleydeas.com
- Stephen John Futterer   sjfutterer@sbcglobal.net, r43087@notify.bestcase.com
- Marc P. Gertz   mpgertz@gertzrosen.com, dmichna@gertzrosen.com
- Michael R. Hamed   mhamed@kushnerhamed.com, kgross@kushnerhamed.com
- Heather E. Heberlein   hheberlein@porterwright.com, mvitou@porterwright.com
- Dennis J. Kaselak   dkaselak@peteribold.com, Cynthia@peteribold.com
- Christopher J. Klym   bk@hhkwlaw.com
- Jerry R. Krzys   jkrzys@hendersoncovington.com, jerrykrzys@gmail.com
- Scott B. Lepene   scott.lepene@thompsonhine.com,  
Christine.Broz@thompsonhine.com;ECFDocket@thompsonhine.com
- Jeffrey M. Levinson   jml@jml-legal.com
- Matthew H. Matheney   mmatheney@porterwright.com, cpeskar@porterwright.com
- Shannon M. McCormick   bankruptcy@kamancus.com
- Michael J. Moran   mike@gibsonmoran.com,  
moranecf@gmail.com;r55982@notify.bestcase.com
- Heather L. Moseman   heather@mosemanlaw.com
- Kelly Neal   kelly.neal@bipc.com, donna.curcio@bipc.com
- David M. Neumann   dneumann@meyersroman.com,  
jray@meyersroman.com;mnowak@meyersroman.com
- Timothy P. Palmer   timothy.palmer@bipc.com, donna.curcio@bipc.com
- Drew T. Parobek   dtparobek@vorys.com, mdwalkuski@vorys.com
- Tricia L. Pycraft   tpycraft@ccj.com, bowman@ccj.com
- Kirk W. Roessler   kroessler@walterhav.com,  
kballa@walterhav.com;slasalvia@walterhav.com;deppler@walterhav.com
- John J. Rutter   jrutter@ralaw.com
- Frederic P. Schwieg   fschwieg@schwieglaw.com
- Michael J. Sikora   msikora@sikoralaw.com, aarasmith@sikoralaw.com
- Nathaniel R. Sinn   nsinn@porterwright.com, cpeskar@porterwright.com
- Robin L. Stanley   rstanley@peteribold.com,  
Sonya@peteribold.com;Cynthia@peteribold.com;5478@notices.nextchapterbk.com
- Rachel L. Steinlage   rsteinlage@meyersroman.com,  
jray@meyersroman.com;mnowak@meyersroman.com;rbain@meyersroman.com
- Richard J. Thomas   rthomas@hendersoncovington.com,  
mgazda@hendersoncovington.com
- Stephen G. Thomas   steve@sgtlaw.net, kim@sgtlaw.net
- Andrew M. Tomko   atomko@sandhu-law.com, bk1notice@sandhu-law.com
- Jeffrey C. Toole   jtoole@bernsteinlaw.com, lyoung@bernsteinlaw.com
- United States Trustee   (Registered address)@usdoj.gov
- Michael S. Tucker   mtucker@ulmer.com
- Phyllis A. Ulrich   bankruptcy@carlisle-law.com, bankruptcy@carlisle-law.com
- Leslie E. Wargo   Leslie@Wargo-Law.com
- Karey Werner   kewerner@vorys.com

- Elia O. Woyt    eowoyt@vorys.com, eowoyt@vorys.com;mdwalkuski@vorys.com
- Maria D. Giannirakis ust06    maria.d.giannirakis@usdoj.gov
- Scott R. Belhorn ust35    Scott.R.Belhorn@usdoj.gov

And on the following by regular U.S. Mail:

Jerome A. Fink, Manager  
Partnership Liquidity Investors V, LLC  
1511 Kings Road  
Newport Beach, CA 92663

Brandon D.R. Dynes  
c/o Bridey Matheney  
1282 W. 58<sup>th</sup> Street  
Cleveland, OH 44102

Davis Family Real Estate Holdings, Inc.  
Attn: Earl R. Davis  
295 Madison Avenue, 12<sup>th</sup> Fl.,  
New York, NY 10017

Angelique Paguidopon  
Cash For Interests, LLC  
17314 W17th Place  
Golden, CO 80401

8491 Mayfield Acquisitions, LLC  
c/o M2KLB Holdco, LLC  
7670 Tyler Boulevard  
Mentor, OH 44060

M2KLB Holdco, LLC  
c/o Michael E. Osborne  
7670 Tyler Boulevard  
Mentor, OH 44060

Lance Osborne  
7670 Tyler Boulevard  
Mentor, OH 44060

Richard M. Osborne, Jr.  
7050 Jackson Street  
Mentor, OH 44040